

RATTET, PASTERNAK & GORDON-OLIVER, LLP
Proposed Attorneys for the Debtor
550 Mamaroneck Avenue
Harrison, New York 10528
(914) 381-7400

Robert L. Rattet
Arlene Gordon-Oliver

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11
Case No. 10- _____ (RDD)

ALL COUNTY LANDSCAPING
AND MASONRY, LLC

Debtor.

-----X

**DECLARATION OF ROCCO BELLANTONI, MANAGING MEMBER OF DEBTOR,
PURSUANT TO LOCAL RULE 1007-2**

Rocco Bellantono, being duly sworn, deposes and says:

1. I am the Managing Member of All County Landscaping and Masonry, LLC (the "Debtor"), and I submit this affidavit pursuant to Rule 1007-2 of the Local Rules for the United States Bankruptcy Court for the Southern District of New York.

BACKGROUND

2. The Debtor is a privately owned company that operates a landscaping and masonry contracting business. The Debtor's offices are located at 7 Winslow Circle, Tuckahoe, New York 10707.

3. The Debtor was formed in June 15, 2005 and operated profitably for several years. However, commencing at end of 2008 the Debtor began experiencing financial difficulties due to several factors including: (1) the Debtor underbid several jobs, causing a strain on the Debtor's cash flow (2) Debtor performed work under oral contracts with certain general contractors and was not

paid for the work performed. Additionally, the impact of the tough economy on the construction industry has resulted in difficulties for the Debtor to obtaining new and lucrative contracts. As a result of the foregoing, Petitioner has not been able to keep current on its outstanding obligations to its creditors including certain tax obligations, which has resulted in claims against Petitioner

4. The Debtor filed this chapter 11 proceeding to be afforded an opportunity to propose a plan or reorganization to repay its debts and restructure its business.

INFORMATION REQUIRED BY LOCAL BANKRUPTCY RULE 1007

5. In addition to the foregoing, Local Bankruptcy Rule 1007-2 requires certain information related to the Debtor, which is set forth below.

Local Rule 1007-2(a)(1)

6. The Debtor is located at 7 Winslow Circle, Tuckahoe, New York 10707 and is engaged in the business of construction.

Local Rule 1007-2(a)(2)

7. This case was not originally commenced under Chapter 7 or 13 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”).

Local Rule 1007-2(a)(3)

8. Upon information and belief, no committee was organized prior to the order for relief in this Chapter 11 case.

Local Rule 1007-2(a)(4)

9. A list of the names and addresses of the Debtor’s 20 largest unsecured claims,

excluding those who would not be entitled to vote at a creditors' meeting and creditors who are "insiders" as that term is defined in 11 U.S.C. Section 101(31) is annexed hereto as **Exhibit A**.

Local Rule 1007-2(a)(5)

10. A list of the names and addresses of the five largest secured creditors is annexed hereto as **Exhibit B**.

Local Rule 1007-2(a)(6)

11. An estimated balance sheet is annexed hereto as **Exhibit C**.

Local Rule 1007-2(a)(7)

12. There are no publicly held securities of the Debtor.

Local Rule 1007-2(a)(8)

13. None of the Debtor's property is in the possession of any custodian, public officer, mortgagee, pledge, assignee of rents, or secured creditor, or any agent for such entity.

Local Rule 1007-2(a)(9)

14. The Debtor operates its business from the residence of its Managing Member located at 7 Winslow Circle, Tuckahoe, New York 10707. The Debtor also leases premises located at 314 Centre Avenue, Mamaroneck, New York which the Debtor uses for storage of trucks and equipment.

Local Rule 1007-2(a)(10)

15. The Debtor's primary assets consisting of trucks and equipment are located at 314 Centre Avenue, Mamaroneck, New York 10543 and the Debtor's books and records are located at 7 Winslow Circle, Tuckahoe, New York 10707.

Local Rule 1007-2(a)(11)

16. There are no lawsuits currently pending against the Debtor:

Local Rule 1007-2(a)(12)

17. The Debtor's management consists of Rocco Bellantoni, Managing Member.

Local Rule 1007-2(b)(1) and (2)

18. The Debtor's estimated weekly payroll to employees (exclusive of officers and directors) for the thirty (30) day period following the Chapter 11 petition is \$22,252.50.

19. The Debtor's estimated weekly payroll and payments to officers, stockholders, and directors for the thirty (30) day period following the Chapter 11 petition is \$6,900.00.

Local Rule 1007-2(b)(3)

20. The estimated schedule of cash receipts and disbursements for the thirty (30) day period following the filing of the Chapter 11 petition, net cash gain or loss, obligations and receivables expected to accrue but remaining unpaid, other than professional fees is annexed as **Exhibit D.**

INFORMATION REQUIRED BY BANKRUPTCY CODE §1116(1)(A)

21. The Debtor's most recent balance sheet is annexed hereto as **Exhibit C.**

22. The Debtor's most recent profit and loss statement is annexed hereto as **Exhibit D.**
23. The Debtor's most recent cash-flow statement is annexed hereto as **Exhibit G.**
24. The Debtor's most recent tax return is annexed hereto as **Exhibit H.**

CONCLUSION

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

/s/ Rocco Bellantoni
Rocco Bellantoni, Managing Member

Sworn to before me this
8th day of September, 2010

/s/ Arlene Gordon-Oliver
Arlene Gordon-Oliver
State of New York Notary Public

EXHIBIT "A"
TWENTY LARGEST UNSECURED CREDITORS*

<u>NAME</u>	<u>AMOUNT OWED</u>
BUSINESS CARD P.O. BOX 15710 WILMINGTON, DE 19886	\$19,251.51
BUSINESS CARD P.O. 15710 WILMINGTON, DE 19886	\$5,684.30
CONNETICUT STONE SUPPLIES 138 WOODMONT AVENUE MILFORD, CT 06460	\$5,204.41
CAPITAL ONE BANK (USA) P.O. BOX 71083 CHARLOTTE, NC 28272	\$4,755.27
YELLOW BOOK USA P.O. BOX 3162 CEDAR RAPIDS, IA 52406	\$2,811.54
CAPITAL ONE BANK (USA) P.O. BOX 71083 CHARLOTTE, NC 28272	\$2,506.55
O&G INDUSTRIES, INC. 112 WALL STREET TORRINGTON, CT 06790	\$2,156.92
SAMMARCO STONE AND SUPPLY 173 OAK STREET NEW ROCHELLE, NEW YORK 10801	\$2,010.56
FLEET SERVICES P.O. BOX 6293 CAROL STREAM, IL 60197	\$1,892.79
R.M.S. 77 HARTLAND STREET P.O. BOX 280431 EAST HARTFORD, CT 06128-0431	\$1,448.66

BREWSTER TRANSIT MIX P.O. BOX 410 BREWSTER, NEW YORK 10509	\$735.91
REDS GARAGE LTD 25 MIDLAND AVENUE PORT CHESTER NEW YORK 10573	\$663.53
VERIZON WIRELESS P.O. BOX 408 NEWARK, NEW JERSEY 07101	\$644.14
HOME DEPOT CREDIT SERVICES P.O. BOX 6029 THE LAKES, NV 88901-6029	\$613.17
COSTCO WHOLESALE P.O. BOX 34783 SEATTLE, WA 98124-1783	\$54.19
CON EDISON P.O. BOX 138 NEW YORK, NEW YORK 10276-0138	\$47.72

EXHIBIT "B"

FIVE LARGEST SECURED CREDITORS

<u>NAME</u>	<u>AMOUNT OWED</u>
IRWIN FINANCIAL FINANCE P.O. BOX 6238 INDIANAPOLIS, IN 46206	\$16,603.30
FIVE POINT CAPITAL P.O. BOX 644006 CINCINNATI, OH 45264-4006	\$15,980.00
GMAC P.O. BOX 380902 BLOOMINGTON, MN 55438-0902	\$8,085.00

EXHIBIT "C"

**SUMMARY OF ESTIMATED ASSETS
AND LIABILITIES OF ALL COUNTY LANDSCAPING
AND MASONARY, LLC**

ASSETS:

Cash	\$ 5,000.00
Furniture, Fixtures & Equipment	\$ 0.00
Vehicle	\$ 47,500.00
Equipment	\$ 80,255.00
Security Deposits	\$ 3,200.00
Receivables	<u>\$ 45,000.00</u>
TOTAL ASSETS	\$ 180,955.00

LIABILITIES:

Secured Claims	\$ 40,668.30
Accounts Payable	\$ 8,518.00
Taxes	\$ 309,711.48
Unsecured Creditors	\$ 86,288.20
Unsecured Loans	<u>\$ 32,000.00</u>
TOTAL LIABILITIES	\$ 477,185.98

EXHIBIT "D"

**SCHEDULE OF ESTIMATED CASH RECEIPTS
AND DISBURSMENTS FOR THE THIRTY DAY PERIOD FOLLOWING FILING OF
THE CHAPTER 11 PETITION**

Income	\$ <u>35,000.00</u>
--------	---------------------

Expense

Payroll and related Taxes for Managing Member	\$ 6,900.00
---	-------------

Payroll and related Taxes	\$ 22,252.50
---------------------------	--------------

Workers' Compensation Insurance / Commercial Insurance	\$1,995.00
--	------------

Auto Expense	\$ 800.00
--------------	-----------

Office Supplies and expense	\$ 150.00
-----------------------------	-----------

Rent	\$ 1,459.00
------	-------------

Telephone	\$ 400.00
-----------	-----------

Monthly payment for Truck	\$ 735.00
---------------------------	-----------

Monthly payment for Lull	\$ 1,660.00
--------------------------	-------------

Monthly payment for Scaffolding	\$ <u>640.00</u>
---------------------------------	------------------

Total	\$ <u>36,991.00</u>
-------	---------------------

Net Profit <Loss>	< \$ <u>1,991.00</u> >
-------------------	------------------------

EXHIBIT "E"

CORPORATE RESOLUTION

The undersigned, the Managing Member, of All County Landscaping and Masonry, LLC, a limited liability corporation organized under the laws of the State of New York (the "Company"), does hereby certify that at a duly called meeting of the Members and Board of Directors held on the 7th day of September following resolutions were adopted, and they have not been modified or rescinded, and are still in full force and effect:

RESOLVED, that in the judgment of the Company, it is desirable and in the best interests of the Company, that its officers be empowered to cause a petition under Chapter 11 of the Bankruptcy Code to be filed by the Company upon such date, and in the event, in their discretion, such action should become necessary for the protection of the Company and the preservation of its assets without further notice to the officers of the Company; and it is further

RESOLVED, that the Members of the Company, or any of them, be and they hereby are authorized on behalf of the Company to execute and file all petitions, schedules, lists and other papers and to take any and all action which they may deem necessary or proper in connection with such proceedings under Chapter 11, and in that connection to retain and employ Rattet, Pasternak & Gordon-Oliver, LLP, and to retain and employ all assistance by other legal counsel or otherwise which they may deem necessary or proper with a view to the successful conclusion of such reorganization case."

IN WITNESS WHEREOF, I have hereunto set my hand, this 8th day of September, 2010.

**ALL COUNTY LANDSCAPING
AND MASONRY, LLC**

By: /s/ Rocco Bellantoni
Rocco Bellantoni, Managing Member

Sworn To Before Me This
8th day of September, 2010

/s/ Arlene Gordon-Oliver
Arlene Gordon-Oliver
State of New York Notary Public

EXHIBIT "F"

**OFFICERS, DIRECTORS, SHAREHOLDERS
AND AFFILIATES OF ALL COUNTY LANDSCAPING AND MASONRY**

Officers: Rocco Bellantoni

Directors: Rocco Bellantoni

Shareholders: Rocco Bellantoni -- 100%

Affiliates: None